

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA**

IN RE:)	
)	
CRIMINAL REFERRALS)	GENERAL ORDER 06-01
)	

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 created a new section 158 to Title 18 of the United States Code. This section requires the designation of both United States attorneys and agents of the Federal Bureau of Investigation to address abuse and fraud in bankruptcy schedules. In addition, Section 158 requires that all bankruptcy courts establish procedures for referring any case that may contain a materially fraudulent statement in a bankruptcy schedule to the designated agents of the United States Attorney and Federal Bureau of Investigation.

To comply with the court's requirement, the following procedures have been adopted with the consent of the court:

1. This procedure is promulgated pursuant to 11 U.S.C §158(d).
2. In the event that a Judge of this Court determines that a bankruptcy schedule or statement filed in a case may contain a materially fraudulent statement, the presiding Judge will send a referral letter and/or the attached Notification Statement, together with copies of relevant documents, to the Chief Deputy or Deputy in Charge.
3. The Chief Deputy or Deputy in Charge will make a copy of the Notice for the file and record-keeping purposes and will transmit the notice to individual(s) designated by the Attorney General in accordance with 11 U.S.C. §158.

The designated individuals are:

United States Attorney's Office:

Douglas Semisch, Asst. U.S. Attorney
U.S. Attorney's Office
1620 Dodge St., Suite 1400
Omaha, NE 68102

Federal Bureau of Investigation:

John M. Kelley, Asst. Special Agent in Charge
Federal Bureau of Investigation
10755 Burt St.
Omaha, NE 68114

Gregory J. Zimmer, Supervisor
Federal Bureau of Investigation
10755 Burt St.
Omaha, NE 68114

A copy of the referral will also be sent to:

Patricia Fahey
Office of the United States Trustee
111 S. 18th Plaza, Suite 1148
Omaha, NE 68102

Administrative Office of the United States Courts
Bankruptcy Judges Division
One Columbus Circle, N.E.
Washington, D.C. 20544

4. The presiding Bankruptcy Judge may elect to first transmit the referral to the United States Trustee for further investigation and review. The United States Trustee may elect to make a referral, based upon the further investigation, in which case the referral must be sent to the individuals specified in Paragraph "3" of this Policy. In addition, a copy of the criminal referral must also be sent to the Administrative Office of the United States Courts at the address specified above.
5. This procedure will also apply to criminal referrals pursuant to 18 U.S.C. §3057.

IT IS SO ORDERED.

DATED: January 31, 2006

/s/ Timothy J. Mahoney
Timothy J. Mahoney, Chief Judge

United States Bankruptcy Court for the _____ District of _____.

NOTIFICATION STATEMENT

TO: _____ POSITION: _____

FROM: _____ POSITION: _____

DATE: _____ SIGNATURE OF PREPARER _____

PREPARER'S POSITION _____

1. Basis for Notification and Possible Estate loss:

a. Suspected violation of 18 U.S.C. Section:
152(); 153(); 154(); 155(); 156(); 157();
1341(); 1342(); 1343(); 1344()

b. Other suspected criminal violation _____

c. Possible Estate Loss \$ _____ Other _____

2. Subject of Notification:

- a. () Debtor (principal/responsible person)
- b. () Trustee
- c. () Professional (Specify Title) _____
- d. () Claimholder/Equity Security Holder
- e. () Public Official
- f. () Other _____

3. Background Information:

a. Name of debtor's case: _____

Case number/district: _____

Debtor's address: _____

Telephone numbers: _____

b. Case Chapter: 7 (); 11 (); 12 (); 13 ();
Nature of Case: Voluntary (); Involuntary ()

- c. Debtor's attorney: _____
Attorney's address: _____
Telephone: _____
- d. Name of trustee: _____
Appointment date: _____
Trustee's address: _____
Telephone: _____
- e. Petition and schedules attached for lists of claimholders, debts, assets, exempt property, and other information:
Yes () No ()
- f. If chapter 7 case, Sec. 705 creditors' committee appointed:
Yes () No ()
If yes, date of appointment: _____
Name, address and telephone nos. of contact persons: _____

- g. If chapter 11 case, Sec. 1102 creditors' committee appointed:
Yes () No ()
If yes, date of appointment: _____
Name, address and telephone nos. of contact persons: _____

- h. Other information regarding the debtor's case:

4. Circumstances Relating to Suspected Violation of Chapter 9 of Title 18, United States Code, or other Laws of the United States Relating to the Debtor's Case
- a. Name of subject of notification: _____
Subject's address: _____
Telephone numbers: _____

Other identification information: _____

- b. Report all facts and circumstances of the case, the names of witnesses, and the offense or offenses believed to have been committed (provide as complete a description as possible) by:
- (1) Providing a full and complete account of the suspected violation.
 - (2) Providing the names, addresses, and telephone numbers of persons with knowledge of and information relating to suspected offense.
 - (3) Indicating, (based on available information) whether the suspected offense relates only to a single incident in a debtor's case or whether the suspected offense relates to multiple transactions/bankruptcies.
 - (4) Indicating whether the subject of the notification has been the subject of a prior notification and, if so, relating the relevant circumstances surrounding the earlier notification.
 - (5) Disclosing other pertinent information.